IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

WP(C).No. 23657 of 2007(N)
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PETITIONER:
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V.Y. SREEKUMAR,
N.V. BUNGLOW, VALIYAVAZHI, KEEZHAROOR VILLAGE,
OTTASEKHARAMANGALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.R.GOPAN

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
VELLARADA POLICE STATION, THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR OF POLICE,
VELLARADA POLICE STATION, THIRUVANANTHAPURAM.

3. THE GOVT.PRINCIPAL SECRETARY (HOME),
SECRETARIAT, THIRUVANANTHAPURAM.

4. DEPUTY GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

5. THE INSPECTOR GENERAL OF POLICE,
POLICE SOUTH ZONE HEAD QUARTERS,THIRUVANANTHAPURAM

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE
GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS

EXT.P1: THE PHOTOCOPY OF F.I.R.NO.3/06 DT.2.1.06.

EXT.P2: THE PHOTOCOPY OF THE REFER CHARGE IN CRIME 3/06 OF ARYANCODE POLICE STATION.

EXT.P3: THE PHOTOCOPY OF THE ORDER SHEET IN C.P.281/06 OF J.F.M.C-I, NEYYATTINKARA

EXT.P4: THE PHOTOCOPY OF F.I.R NO.129.07 DT.16.5.07 OF VALLARADA POLICE STATION.

EXT.P5: THE PHOTOCOPY OF F.I.R NO.84/07.

EXT.P6: THE PHOTOCOPY OF THE WOUND CERTIFICATE.

EXT.P6(a):THE PHOTOCOPY OF THE TREATMENT CERTIFICATE.

EXT.P7: THE PHOTOCOPY OF THE COMPLAINT DT.7.6.07.

EXT.P8: THE PHOTOCOPY OF THE INTERIM ORDER DT.22.06.07 IN WP(C).19277/07.

EXT.P9: THE PHOTOCOPY OF THE JUDGMENT IN WP(C).19277/07.

EXT.P10:THE PHOTOCOPY OF ORDER ON CRMC.1177/07 OF SESSIONS COURT, THIRUVANANTHAPURAM DT.5.6.07.

EXT.P11:THE PHOTOCOPY OF THE ORDER IN B.A.4222/07 OF THIS COURT DT.12.7.07.

EXT.P12:THE PHOTOCOPY OF THE COMPLAINT DT.7.6.07.

EXT.P13:THE PHOTOCOPY OF THE REPORT FILED BY THE 2ND RESPONDENT IN CRIME NO.84/07 BEFORE J.F.M.C-I, NEYYATTINKARA.

EXT.P14:THE PHOTOCOPY OF THE REPORT IN MANGALAM DAILY DT.19.5.07.

EXT.P14(a):THE PHOTOCOPY OF THE REPORT IN MANGALAM DAILY DT.26.7.07.

EXT.P14(b):THE PHOTOCOPY OF THE REPORT IN MADHYAMAM DAILY DT.27.7.07.

EXT.P14(c):THE PHOTOCOPY OF THE REPORT IN MADHYAMAM DAILY DT.28.7.07.

EXT.P14(d):THE PHOTOCOPY OF THE REPORT IN MANGALAM DAILY DT.28.7.07.

EXT.P14(e):THE PHOTOCOPY OF THE REPORT IN MANGALAM DAILY DT.30.7.07.

EXT.P14(f):THE PHOTOCOPY OF THE REPORT IN MADHYAMAM DAILY DT.30.7.07.

/TRUE COPY/

**R.BASANT, J**

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**W.P(C).No.23657 of 2007**

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**Dated this the 4th day of December, 2007**

**JUDGMENT**

The short grievance of the petitioner is that though there has been recurrent attempts threatening his safety and causing injuries to him and he has been running from pillar to post to get a proper and adequate investigation to be conducted into the crimes committed against him and to provide police protection to him, he has been denied all such reliefs.

2. Shorn of unnecessary details, the precise grievance of the petitioner is that Ext.P4 crime ie. Crime 129 of 2007 of Vellarada Police Station and Ext.P5 ie. Crime 84 of 2007 of Aryancode police station are not being properly investigated. The want of proper investigation has prompted the petitioner's adversaries to continue the offences against him. Subsequent to the filing of this petition, Crime 165 of 2007 of Aryancode Police Station (Ext.P15) has also been registered. Of Exts.P4, P5 & P15, 2 are registered under Section 307 I.P.C (inter alia) and one is registered under Section 506(2) I.P.C. The grievance of the petitioner is that the police are not taking proper and serious interest and steps for the proper investigation of these crimes.

3. The learned Government Pleader after taking instructions submits that there has been an order passed by the Superintendent of Police under which Exts.P4 and P5 crimes have been directed to be investigated by the Circle Inspector of Police, Parassala. Ext.P15 crime is being investigated by the C.I of Police, Vellarada, who was earlier investigating one of the 2 crimes, referred earlier.

4. The learned counsel for the petitioner submits that the petitioner is not satisfied with the present arrangement made. He cannot aspire to get justice by such investigation. The investigation may be directed to be conducted by a different agency or by superior officers of the local police - not below the rank of a Dy.S.P, submits the learned counsel for the petitioner.

5. I have considered all the relevant inputs. I have in detail considered the grievance of the petitioner. The 3 F.I.Rs and the sequence of events have all been considered by me. It is unnecessary to express specific opinion on the acceptability of the allegations in any of the 3 crimes registered. Suffice it to say that I am satisfied that the petitioner's prayer that all the 3 crimes - Exts.P4, P5 and P15 deserve to be investigated by a

specialised agency does appear to me to be absolutely justified. Though no specific relief is claimed in this Writ Petition in respect of Ext.P15 crime, I am satisfied that the subsequent developments can also be taken into consideration and appropriate relief can be moulded and granted to the petitioner.

6. In the result, this Writ Petition is allowed. There shall be a direction to the 4th respondent, the Director General of Police to ensure that Exts.P4, P5 & P15 crimes referred above are got investigated by an official of the Crime Branch C.I.D - not below the rank of a Dy.S.P. Necessary orders to this effect shall be issued by the 4th respondent, the Director General of Police with copy to the petitioner, within a period of 45 days from this date. Till then, no final report shall be submitted in Exts.P4, P5 and P15 by the officers who are conducting the investigation at present.

7. Hand over a copy of this judgment to the learned Government Pleader. Compliance shall be reported to this Court.

**(R.BASANT, JUDGE)**

rtr/-